

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HINSHAW

No. C 05-3927 CW (WDB)

Plaintiff,

**ORDER RE PLAINTIFF'S
MOTION TO COMPEL AND TO
IMPOSE SANCTIONS**

v.

THE VESSEL M/V AURORA, et
al.

Defendants.

On January 17, 2007, the Court heard oral argument in connection with Plaintiff's Motion to Compel and to Impose Sanctions. Having considered the briefs and arguments of the parties, and for the reasons stated on the record, the Court ORDERS as follows:

(1) At issue in Plaintiff's Motion, among other things, is the failure of Defendants to produce discoverable information from Mr. Bill Cox, Mr. Barry Bates, and Dr. Abdul Alinezi. Mr. James Walsh, counsel for Defendant, and Mr. David Tattum, a consultant to the owner of the M/V Aurora, advised the Court that they had made several attempts to contact Mr. Cox and had left messages about the need for his cooperation with discovery, but that neither had yet heard back from Mr. Cox. The Court now ORDERS Mr. Walsh to continue to contact Mr. Cox in an effort to get any discoverable information that he may have. Mr. Walsh also must provide to Plaintiff's counsel, Mr. Richardson, all necessary contact information for Mr. Cox so that Mr. Richardson may subpoena Mr. Cox, should he so desire.

1 (2) Similarly, Mr. Walsh must contact Mr. Bates and inform him that he
2 must provide copies of any documents he has bearing on the matters at issue in this
3 action. Mr. Walsh also must ask Mr. Bates to assist in getting any discoverable
4 information that may be in the possession of Mr. Cox.

5 (3) Finally, Mr. Walsh must inform Dr. Alinezi that he, too, must produce
6 any documents he has that might shed light on the dispute in this lawsuit. To the
7 extent Dr. Alinezi believes he has already produced everything of this nature, Dr.
8 Alinezi must make another good faith attempt to locate any previously undisclosed
9 discoverable information and, **by no later than February 9, 2007**, file and serve a
10 signed document attesting to his efforts and what, if anything, he found.

11 (4) Counsel for both parties advised the Court that significant depositions
12 were to take place on Thursday, January 18 and Friday, January 19, 2007. After these
13 depositions have concluded, and the parties have had time to digest the information
14 provided during the depositions, the parties shall meet and confer about further
15 discoverable information each side may need, if any. During this meet and confer
16 process, counsel must make concerted, good faith efforts to resolve any future
17 disagreements about the scope or timing of discovery requests or responses. If, after
18 such efforts, issues about significant discovery matters remain unresolved, counsel
19 may not file motions or submit written requests for relief unless given permission to
20 do so after addressing the matters in a telephonic conference with Magistrate Judge
21 Brazil. To arrange such a conference, counsel should contact Sarah Weinstein,
22 administrative law clerk, at 510-637-3324.

23 (5) Failing to comply with Civil Local Rule 7-8, Plaintiff's request for
24 sanctions is DENIED.

25
26 IT IS SO ORDERED.

27 */s/ Wayne D. Brazil*

28 Dated: January 18, 2007

WAYNE D. BRAZIL
United States Magistrate Judge